

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**CRIMINAL NO. 1:06cr20-8
(Judge Keeley)**

DWAYNE ANDERSON,

Defendant.

**ORDER HOLDING IN ABEYANCE DEFENDANT'S
MOTION TO RECUSE**

On April 27, 2009, the defendant, Dwayne Anderson ("Anderson"), filed a pro se motion seeking recusal of the undersigned judge from this matter, and on April 29, 2009, he filed a pro se motion seeking to dismiss Count 13 of the Indictment for insufficiency of the evidence. Anderson has recently also filed a petition for writ of certiorari with the United States Supreme Court, appealing the Fourth Circuit's recent decision in this case. Accordingly, the Court **HOLDS IN ABEYANCE** Anderson's motions until notified of the conclusion of Anderson's appeal.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to counsel of record, the defendant and all appropriate agencies.

DATED: May 11, 2009.

/s/ Irene M. Keeley

IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE